

## DECLARATION AND POWER OF ATTORNEY

As a below-named joint inventor, I hereby declare that:

My residence, post office address, and citizenship are as recited below next to my respective name.

I believe I am the original, sole, and first inventor of the subject matter that is claimed and for which a patent is sought in the invention entitled **Methods and Systems For Providing An Average Pricing Contract For The Sale Of A Commodity**, the specification of which is attached hereto.

I hereby acknowledge that I have reviewed and understand the contents of the above-identified application, including the claims and drawings.

I acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me to be material to patentability as defined in Title 37 Code of Federal Regulations §1.56. As stated therein, information is material to patentability when it is not cumulative to information already of record in the file of the above-identified application or being made of record in the application, and (1) it establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim; or (2) it refutes, or is inconsistent with, a position we take in: (i) opposing an argument of unpatentability relied upon by the Office, or (ii) asserting an argument of patentability.

I hereby claim foreign priority benefits under Title 35, United States Code, Section 119(a)-(d) or Section 365(b) of any foreign application(s) for patent or Inventor's Certificate, or Section 356(a) of any PCT international application that designated at least one country other than the United States, listed below and have also identified below, by checking the box, any foreign application for patent or Inventor's Certificate or PCT International application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application	Country	Date Filed	Priority Not Claimed
			<input type="checkbox"/>
			<input type="checkbox"/>
			<input type="checkbox"/>

I hereby claim the benefit under 35 U.S.C. Section 119(e) of any United States provisional application(s) listed below:

Application Serial No.	Date Filed

I hereby claim the benefit under 35 U.S.C. Section 120 of any United States applications(s), or Section 365(c) of any PCT International application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of 35 U.S.C. Section 112, I acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me to be material to patentability as defined in Title 37, C.F.R. section 1.56 that became available between the filing date of the prior application and the national or PCT International filing date of this application:

Application Serial No.	Filing Date	Status
10/209,994	August 1, 2002	<input type="checkbox"/> Patented <input checked="" type="checkbox"/> Pending <input type="checkbox"/> Abandoned
		<input type="checkbox"/> Patented <input type="checkbox"/> Pending <input type="checkbox"/> Abandoned
		<input type="checkbox"/> Patented <input type="checkbox"/> Pending <input type="checkbox"/> Abandoned

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. §1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

POWER OF ATTORNEY: As (a) named inventor(s), I/we hereby appoint the following attorneys and/or agents, with full power of substitution and revocation, to prosecute this application and to transact all business in the United States Patent and Trademark Office connected therewith: Glen E. Books (24,950); Michael Johannesen (35,557); Stephen R. Buckingham (40,538); Alex R. Pagano (44,994); George Morgan (46,505); Justin D. Petruzzelli (52,118); and Daniel Sierchio (53,591) and all of Lowenstein Sandler PC.

SEND CORRESPONDENCE TO:  
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Sole or First Joint Inventor				
FULL NAME OF INVENTOR	Last Name <b>Tatge</b>	First Name <b>Jason</b>		Middle Name
RESIDENCE AND CITIZENSHIP	City <b>Lenexa</b>	State or Foreign Country <b>Kansas</b>		Country of Citizenship <b>US</b>
POST OFFICE ADDRESS	Street <b>17510 Penrose Lane</b>	City <b>Lenexa</b>	State or Country <b>Kansas</b>	Zip Code <b>66219</b>
Signature of The Inventor				Date

Second Joint Inventor, if any				
FULL NAME OF INVENTOR	Last Name <b>Fritsch</b>	First Name <b>Daniel</b>		Middle Name <b>S.</b>
RESIDENCE AND CITIZENSHIP	City <b>Chapel Hill</b>	State or Foreign Country <b>North Carolina</b>		Country of Citizenship <b>US</b>
POST OFFICE ADDRESS	Street <b>107 Westbury Court</b>	City <b>Chapel Hill</b>	State or Country <b>North Carolina</b>	Zip Code <b>27516</b>
Signature of The Inventor				Date

## ASSIGNMENT

**WHEREAS, WE, Jason Tatge** (citizen of USA), and **Daniel S. Fritsch** (a citizen of USA) (collectively "ASSIGNOR") residing at **17510 Penrose Lane, Lenexa, Kansas, 66219**; and **107 Westbury Court, Chapel Hill, North Carolina 27516**, respectively, have invented, developed, and/or have rights in certain technology and useful improvements in the field of network based systems, methods, architecture, and software (the "Technology"), which Technology is disclosed in: (1) a United States Non-Provisional Patent Application filed herewith and entitled **Methods and Systems For Providing An Average Pricing Contract For The Sale Of A Commodity** (collectively the "Patent")

**AND WHEREAS Farms Technology, LLC** ("ASSIGNEE"), a New Jersey Corporation having a place of business at 14904 W. 87<sup>th</sup> Street, Parkway, Suite 307, Lenexa, Kansas 66215, desires to acquire the entire right, title, and interest in and to the Technology and in and to the Patent;

**NOW, THEREFORE**, in consideration of the sum of one dollar (\$1.00) in hand and other good and valuable consideration, the receipt of which is hereby acknowledged, we have sold, assigned, transferred and set over, and do hereby sell, assign, transfer and set over to ASSIGNEE the entire right, title and interest in and to the Technology and in and to the Patent and all Patent and patent applications claiming priority to the Patent including divisions, continuations, and continuations-in-part thereof and all reissues, reexaminations, and extensions thereof, and all priority rights under the International Convention for the Protection of Industrial Property for every member country, and all applications for Patent (including related rights such as utility-model registrations, registrations, inventor's certificates, and the like) heretofore or hereafter filed for the Technology and the Patent in any foreign countries, and all Patent (including all extensions, renewals and reissues thereof) granted for the Technology and the Patent in any foreign countries;

**AND WE HEREBY** authorize and request the Assistant Secretary and Commissioner of Patents and Trademarks, and any officials of foreign countries whose duty it is to issue Patent on applications as aforesaid, to issue all Patent for the Technology and/or the Patent in the name of ASSIGNEE in accordance with the terms of this assignment;

**AND WE HEREBY** covenant that we have full right to convey the entire interest herein assigned, and that we have not executed, and will not execute, any agreement in conflict herewith;

**AND WE HEREBY** further covenant and agree that we will communicate to ASSIGNEE any facts known to us respecting the Technology and the Patent, sign all lawful papers, execute all divisional, continuation, continuations-in-part, substitute, reexamination, and reissue applications, make all rightful oaths and generally do everything possible to aid ASSIGNEE to obtain and enforce proper patent protection for the Technology and the Patent in all countries.

In testimony whereof, I hereunto set my hand this \_\_\_\_\_ day of \_\_\_\_\_, 2004.

**Jason Tatge**

STATE OF \_\_\_\_\_ )  
 ) SS:  
COUNTY OF \_\_\_\_\_ )

On \_\_\_\_\_, 200\_\_\_\_, before the undersigned, a Notary Public for the State and County aforesaid, personally appeared **Jason Tatge**, known to me or proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the above assignment, and acknowledged that he executed the same.

(Notary Public)

In testimony whereof, I hereunto set my hand this \_\_\_\_\_ day of \_\_\_\_\_, 2004.

\_\_\_\_\_  
**Daniel S. Fritsch**

STATE OF \_\_\_\_\_ )  
 ) SS:  
COUNTY OF \_\_\_\_\_ )

On \_\_\_\_\_, 200\_\_\_\_, before the undersigned, a Notary Public for the State and County aforesaid, personally appeared **Daniel S. Fritsch**, known to me or proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the above assignment, and acknowledged that he executed the same.

\_\_\_\_\_  
(Notary Public)